

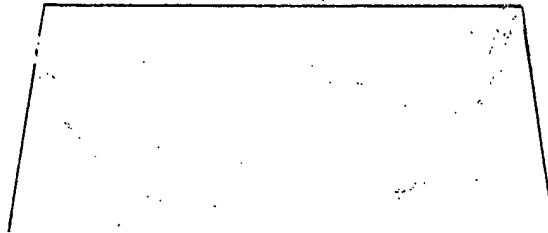
amended to include the "smooth spout" feature of the device.

### 35 U.S.C. Section 112

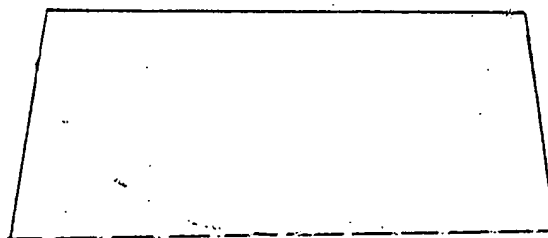
The Examiner has rejected claims 2-10 under 35 U.S.C. Section 112, stating that "It is unclear how the spout has a truncation 37 in the shape of a horizontal plane tangent to a bottom wall of a horizontal cylinder. What is a horizontal cylinder? Where is the horizontal cylinder located with respect to the spout? Is it a part of the spout?"

The common meaning of "horizontal" is "parallel to the horizon." A "cylinder" is "a surface or solid generated by a straight line moving parallel to itself and intersecting a curved directrix not coplanar with itself." Combining the common meaning of these two words, a "horizontal cylinder" is a cylinder generated by movement of a horizontal line.

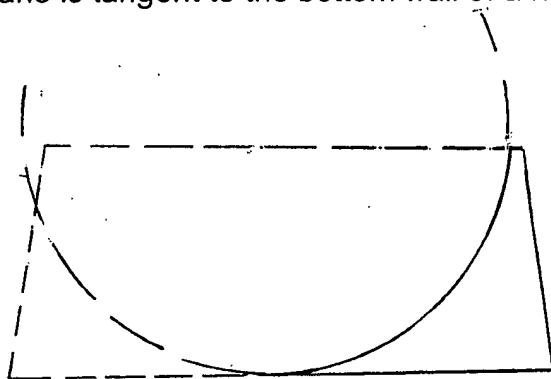
Applying this definition to the language of claim 2 and the description at page 6, lines 7-23, we begin with a "frusto-conical spout."



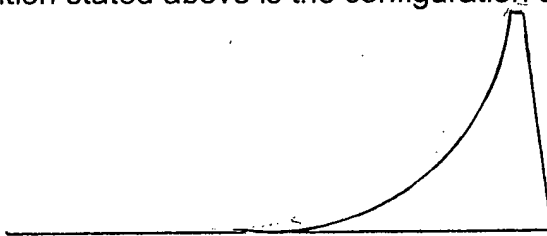
The truncation first consists of the horizontal plane.



The horizontal plane is tangent to the bottom wall of a horizontal cylinder.



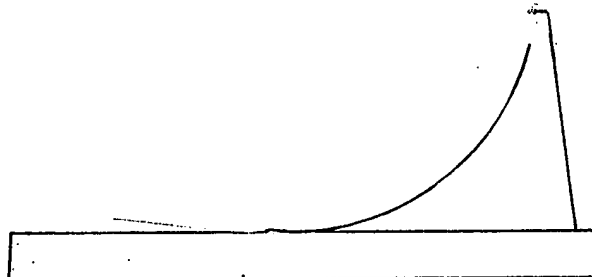
The result of the definition stated above is the configuration shown below.



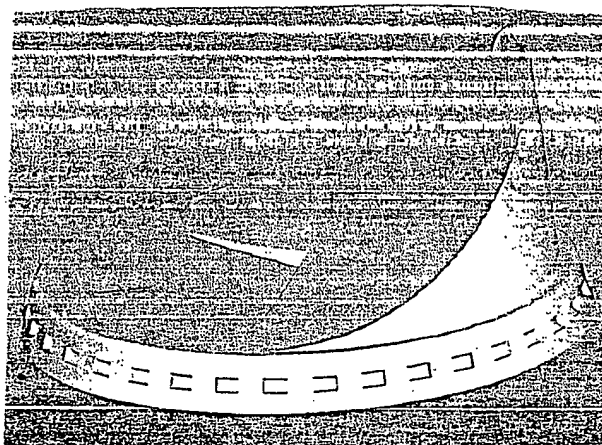
The claim further indicates that the discharge port is at the apex of the spout. This produces the following spout:



The spout extends upwardly from the top of the clamp.



The actual lid is shown in the rendering below. Applicant submits that the specification and claim accurately describe the invention.



The discharge port is "approximately" rectangular in that it is rectangular with the corners slightly rounded as shown in Figure 1.

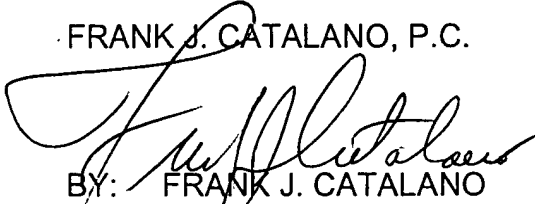
#### **35 U.S.C., Section 102**

The Examiner has rejected claim 1 under 35 U.S.C. Section 102 as anticipated by Montemarano. Applicant's claim 1 specifically requires that the spout extends upwardly from the rim of the cup. That is, the entire spout is above the entire rim of the cup. In Montemarano, the spout and lid use up internal volume of the cup. This structural difference distinguishing applicant's claim 1 device from Montemarano is important. When a cup is being filled with liquid, the tendency is to fill the cup to a level fairly close to the rim. In Montemarano, when a substantially full cup is covered, the cover penetrates into the volume of the cup and displaces the liquid. The resulting pressure causes liquid to be ejected from openings in the cover such as vents or the spout. Applicant's device employs a spout which is entirely above the rim of the cup and the clamp which is seated on the rim of the cup. Therefore, the volume of the cup is not encroached upon and the spillage of Montemarano is avoided. Applicant has amended claim 1 to clarify that the entire spout

extends upwardly from the top of the clamp which is seated on the rim of the cup. Based on these comments, applicant believes that the invention set forth in claim 1 is distinguished over the cited reference and allowance of this and of all the claims is respectfully requested.

Respectfully submitted,

FRANK J. CATALANO, P.C.

A handwritten signature in black ink, appearing to read "Frank J. Catalano", is written over the printed name.

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